



State of New Hampshire  
**DEPARTMENT OF ENVIRONMENTAL SERVICES**

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095

(603) 271-1370 FAX (603) 271-1381

July 8, 2002



Mr. David Reynolds  
Facility Manager  
Star Island Corporation  
10 Vaughn Mall Suite #8  
Portsmouth, New Hampshire 03801

**CERTIFIED MAIL (7099 3400 0003 0687 2349)**

**RETURN RECEIPT REQUESTED**

**NOTICE OF PAST VIOLATION**

Dear Mr. Reynolds:

On August 16, 2001, the New Hampshire Department of Environmental Services, Air Resources Division ("DES") conducted a compliance inspection of the Star Island Corporation facilities ("the Facility") located on the Isle of Shoals in Rye, NH. The compliance inspection was conducted in response to open burning reportedly taking place at the Facility. The purpose of the inspection was to evaluate the Facility's compliance status with NH Administrative Rule: Env-A 100 *et seq.*, NH Rules Governing The Control of Air Pollution. As a result of the inspection, DES identified the following violations and hereby issues this Notice of Past Violation ("NOPV").

1. Env-A 607.01(d)(1) requires the owner of one or more internal combustion engines at a source which combusts liquid fuel oil for which the combined total design gross heat input for all such engines is greater than or equal to 1,500,000 BTUs per hour to obtain a temporary permit prior to the installation of the source or device. During the August 6, 2001 inspection of the Facility, DES personnel noted that the Facility has been operating four diesel-fired generators and one diesel fire pump with a combined gross heat input greater than 1,500,000 BTU per hour without having first obtained a temporary permit.
2. Env-A 1001.03(c)(4) states that the following types of burning shall be permissible without authorization from the division: burning of untreated wood from the construction or demolition of a building, provided that such burning shall be done in an area which shall be specified and approved by officials having jurisdiction over open burning. During the August 16, 2001 inspection of the Facility, the DES inspector observed and photographed the following non-conforming charred materials in the ash pile on the western end of Star Island: painted wood and plywood. The facility was not authorized to burn these materials.

On May 21, 2002, DES issued Temporary Permit to Operate #FP-T-0087 to Star Island Corporation for the four diesel fired generators and the diesel fire pump. In addition, DES believes that the burning of non-conforming materials has ceased. DES recognizes the efforts that Star Island Corporation has taken to come into compliance. Accordingly, no further action in response to the listed violations is required.

DES requests that Star Island Corporation comply with all future obligations contained in the Permit and applicable rules. In the event that other violations are identified, DES may take action against Star Island Corporation, including issuing an administrative order, seeking administrative fines, and/or referring this matter to the NH Department of Justice for civil and/or criminal penalties.

It is the goal of DES to promote the prevention of pollution at the source as the preferred option for meeting established environmental goals. DES strives to ensure that pollution prevention options are considered first, followed by recycling, treatment and disposal. In the event that Star Island Corporation has any questions about pollution prevention, please feel free to contact Stephanie D'Agostino at (603) 271-6398.

If Star Island Corporation believes that the alleged violations noted in this NOPV have been cited in error, or if you have any questions regarding this matter, please contact Joseph Ritz at the Air Resources Division, Compliance Bureau at (602) 271-1391. A current copy of the Air Resources Division rules can be obtained from the DES website at <http://www.des.state.nh.us/ard/ardrules.htm>, or by contacting the Public Information Center at (603) 271-2975.

Sincerely,



Pamela G. Monroe  
Compliance Bureau Administrator  
Air Resources Division

cc: R. Scott, Chief Air Programs Manager, NHDES-ARD  
G. Rule, NHDES-O/C  
R. Kurowski, EPA Region 1  
J. Mills, Jr., Chairman, Board of Selectmen, Town of Rye  
ARD Enforcement File